

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KENNETH L. ROYAL,)
Plaintiff,) 4:08CV3239
V.)
HARRIS, Correctional Officer, in his) **ORDER**
individual and official capacity,)
TRISTA FLORES, Licensed)
Practising Nurse, in her official and)
individual capacity, BRUCE MEIER,)
Disciplinary Hearing Officer, in his)
individual and official capacity,)
SEAN SUHR, Classification officer,)
in his individual and official)
capacity, JEREMIAH BRETHAVER,)
Operations Coordinator, in his)
official and individual capacity,)
EDDIE BLANCO, Medical Liaison,)
in his official and individual capacity,)
JANE DOE, Registered Nurse, in her)
official and individual capacity, and)
MONA LOPEZ, Correctional)
Officer, in her official and individual)
capacity,)
Defendants.)

This matter is before the court on Plaintiff's motion to strike Defendants' exhibits or, in the alternative, motion to suspend ruling on Defendants' motion for summary judgment ([filing 73](#)). Plaintiff's motion to suspend will be granted and Plaintiff's motion to strike will be held in abeyance.

At the time this lawsuit was initiated, and at the time Defendants filed their motion for summary judgment, Plaintiff was appearing pro se. ([Filing 46](#).) However, on March 11, 2010, the date on which Plaintiff was required to respond to Defendants' motion for summary judgment, counsel appeared on Plaintiff's behalf. ([Filing 55](#).) Plaintiff's counsel requested, and was given, an extension of time to respond to Defendants' motion. (Filings [56](#) and [58](#).) Although Plaintiff's counsel has filed briefs responding to Defendants' motion, Plaintiff's motion to suspend will nevertheless be granted because Plaintiff has only recently become represented in this matter.¹

Plaintiff has also moved to strike certain exhibits offered by Defendants in support of their motion for summary judgment. Defendants may respond to the motion to strike and/or correct any alleged evidentiary deficiencies when they respond to Plaintiff's briefing, as set forth below.

IT IS ORDERED:

1. Plaintiff's motion to suspend ruling on Defendants' motion for summary judgment ([filing 73](#)) is granted for purposes of allowing Plaintiff to conduct limited discovery;
2. On or before July 6, 2010, Plaintiff shall submit a brief and any evidentiary materials responding to Defendants' motion for summary judgment;
3. Defendants may file a reply brief and any supporting evidentiary materials to Plaintiff's brief on or before July 20, 2010;

¹ The court does not construe Plaintiff's present motion as a request for additional time to respond to Defendants' motion for summary judgment as contemplated by previous order of this court. ([Filing 72](#)).

4. Defendants' motion for summary judgment shall be ripe for ruling on July 21, 2010.
5. Plaintiff's motion to strike ([filing 73](#)) shall be held in abeyance until July 21, 2010.

April 6, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge